

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BILLY RAY TRATREE,

Plaintiff,

VS.

BP (NORTH AMERICA) PIPELINES,
INC., KELLY GLEASON and
ROY BOWDEN,

Defendants.

CIVIL ACTION
NO. H-03-954

October 24, 2006

TRIAL BEFORE THE HONORABLE MELINDA HARMON
AND A JURY

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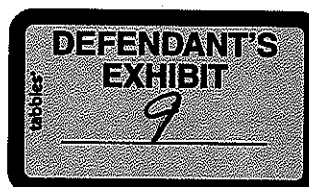
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Ms. Christine M. Stevenson
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Court Reporter:

Bruce Slavin
Registered Professional Reporter

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by computer-aided transcription.

1 annuities in the amount of \$75,000.

2 A. I understand distribution is I sold some stock. Is this
3 what you're asking?

4 Q. Okay, sir.

11:36 5 A. Okay. I sold some stock.

6 Q. Okay. Exhibit 13, Page 16. And, again, sir, in the
7 Year 2005 you reported on your federal income tax return
8 that you had received pension and annuities in the amount of
9 \$81,250. Isn't that correct?

11:36 10 A. So, I sold some more stock.

11 Q. Okay. In which you were a 100 percent vested in order
12 to sell or get that distribution. Correct?

13 A. I don't know.

14 Q. Mr. Tratree, did you purchase any type of insurance
11:37 15 after you left BP?

16 A. Not that I can think of.

17 Q. Okay. Did you get any type of insurance whatsoever?

18 A. No, I didn't.

19 Q. Do you have any proof of what the cost of any out-of-
11:37 20 pocket expenses might have been for you or any medical
21 coverage or other type of coverage you may have received
22 since you left BP?

23 MR. SOLTERO: Objection, Your Honor. May we
24 approach on this issue?

11:37 25 THE COURT: You may.

1 Q. If you got a statement from Fidelity, Mr. Tratree, does
2 that refresh your recollection that Fidelity is the company
3 that handed your BP retirement plan?

4 A. I know that. Yes, ma'am.

11:40 5 Q. Okay. So, if there's a statement from Fidelity, it's
6 about your retirement plan, isn't it, sir?

7 A. Or my stock plan.

8 Q. Sir?

9 A. Or my stock plan.

11:40 10 Q. Okay. Was your 401(K) with Fidelity as well?

11 A. I don't know offhand.

12 Q. Okay, sir. Back to the cost of any insurance.

13 You have not incurred any out-of-pocket
14 expenses for any insurance, have you, sir?

11:40 15 A. Yes, I have. I'm sorry. Repeat that. I'm sorry.

16 Q. I think you told me you haven't gotten any insurance.
17 Is that correct?

18 A. Yes. That's correct. That's correct.

19 Q. So, you haven't incurred any out-of-pocket expenses,
11:40 20 then, in getting insurance because you didn't get any?

21 A. That's correct.

22 Q. Okay. And do you have any proof, sir, of any out-of-
23 pocket expenses whatsoever that you may have incurred for
24 things that were covered by insurance when you were with BP
11:40 25 but that were not later covered?

1 A. That's correct.

2 Q. Now, in terms of what you were doing during this time
3 frame when you were proving meters, tell us all of your
4 responsibilities and duties when you were based out of Mexia
09:54 5 and North Zulch.

6 A. Okay. I would get up and I would go and check my ACT or
7 my LACT. I would drive from North Zulch to Hufsmith. And,
8 in the mean -- in the meantime, I had stations which had
9 LACT or ACT. So, I went by. I took the meter reading.

09:55 10 When there was time --

11 Q. Let me stop you for a second, Mr. Tratree.

12 We have this map showing that Mexia is up
13 here. And that's actually where you lived?

14 A. Yes.

09:55 15 Q. How long have you lived in Mexia?

16 A. Since I came to -- transferred up there. I can't
17 remember. Approximately '98.

18 Q. When the company transferred you there, you moved to
19 Mexia?

09:55 20 A. Yes.

21 Q. And you bought a house there?

22 A. Yes, I did.

23 Q. And you and your wife and your family have lived there
24 during this time?

09:55 25 A. Yes.

1 A. -- like an explanation.

2 Q. And did you believe that you had the right under the
3 contract to bump both -- Well, under the contract -- Have
4 you ever reviewed the contract?

10:29 5 A. Yes, sir.

6 Q. In what capacity?

7 A. I knew the contract. I used to be a union steward. I
8 knew the contract.

9 Q. With regards to the contract that was in force at the
10:30 10 time, did you have an understanding as to whether you could
11 bump into only old classifications or old and new?

12 A. Could you repeat that, please.

13 Q. Yes, sir.

14 Let me direct your attention to Joint

10:30 15 Exhibit -- Mr. Tratree, let me show you a portion of Joint
16 Exhibit 7 and see if you recognize this. Do you know what
17 that is?

18 A. Yes, sir. It's Article 10, "Demotion and Bumping".

19 Q. Is that part of the contract?

10:31 20 A. Yes, sir.

21 Q. Okay. Can you read for us the first paragraph.

22 A. It says: "Any employee whose assignment is discontinued
23 or who is displaced by a senior employee shall at his or her
24 option exercise his or her demotional rights for any job for
10:31 25 which he or she is qualified within the new or old

1 He said he was sent down to fire me by
2 Mr. Gleason and Mr. Bowden and told me to get my things out
3 of the truck, my personal things, and leave the phones and
4 the computers and such at the office.

10:43 5 And then he asked me if I had a way to get
6 home, and I said, "No. But I'll call my wife." So, I
7 called my wife and she come to pick me up.

8 Q. So, did you -- Did you -- You didn't accept a ride home?
9 You got your wife to come pick you up?

10:43 10 A. Yes.

11 Q. Were you expecting to get fired when you went there that
12 day?

13 A. Oh, no. Because I knew I had plenty of time with the
14 second bump sheet because it counts as the first because
10:43 15 there's some changes on there.

16 Each time you get a bump sheet it's five days
17 and, if there's something wrong and they send you another
18 bump sheet, it's another five days because it deletes the
19 first one.

10:43 20 Q. Okay. Mr. Tratree, let me show you Exhibit 6 -- Joint
21 Exhibit 6. It's dated September 27th, 2001. It's an e-mail
22 from Kelly Gleason to Mr. Hardwick. Is that what it looks
23 like?

24 A. Yes, sir.

10:44 25 MS. OATHOUT: Well, Your Honor, I think that's

1 annuities in the amount of \$75,000.

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3 what you're asking?

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23 pocket expenses whatsoever that you may have incurred for
24 things that were covered by insurance when you were with BP
11:40 25 but that were not later covered?

1 MR. FOSS: We'll have that to you.

2 THE COURT: All right. Great. Thank you very
3 much.

4

5 COURT REPORTER'S CERTIFICATE

6 I, BRUCE SLAVIN, certify that the foregoing is a
7 correct transcript from the record of proceedings in the
8 above-entitled matter, to the best of my ability.

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BRUCE SLAVIN, RPR, CM

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